

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Maurice Oparaji,

Plaintiff,

-against-

Teachers' Retirement System of the City of
New York et. al

Defendants,

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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: March 6, 2024

[23-CV-5212] (KMW)

ORDER

KIMBA M. WOOD, United States District Judge:

On February 21, 2024, *pro se* Plaintiff Oparaji filed a Proposed Certificate of Default with the Clerk of Court against Ms. Whinnery, Executive Director of the New York City Employees Retirement System. (Prop. Cert., ECF No. 28.) Plaintiff previously attempted to serve a summons on Ms. Whinnery – it is unclear whether Plaintiff sent the summons to 235 Adams Street Suite 2300, Brooklyn, NY 11201 or to 335 Adams Street Suite 2300, Brooklyn, NY 11201. (*See* Summons and Compl., ECF No. 8; ECF No. 28.) The correct address is 335 Adams Street Suite 2300, Brooklyn, NY 11201.¹ On February 26, 2024, Defendants' counsel addressed a letter to the Court claiming that Plaintiff failed to properly serve Ms. Whinnery at the correct address. (Def. Ltr., ECF No. 31.)

¹ The publicly available address for Ms. Whinnery in her capacity as an Executive Director of the New York City Employees' Retirement System is 335 Adams Street, Brooklyn, NY 11201. (Def. Ltr. at 2, n.3; *see* www.nycers.org, last accessed on 03/01/2024.)

It is also unclear whether the Plaintiffs Proposed Certificate of Default was addressed to 235 Adams Street, Suite 2300, Brooklyn, NY 11201, or 335 Adams Street Suite 2300, Brooklyn, NY 11201. (Prop. Cert.) In addition, Plaintiff did not file an affidavit or declaration in support of the Proposed Certificate of Default as required by Rule 16.1 of the District's ECF Rules and Instructions.² The Court ORDERS the Clerk of Court to DENY the Proposed Certificate of Default because Plaintiff failed to file the required supporting documents.

In the interest of judicial efficiency, and pursuant to Rule 21, however, the Court will add Ms. Whinnery as a co-defendant in this case. Fed R. Civ. P. R. 21 ("On a motion or on its own, the court may at any time, on just terms, add or drop a party.").³ Pursuant to Rule 21, the Court ORDERS the joinder of Ms. Whinnery as a co-defendant.

SO ORDERED.

Dated: New York, New York
March 6, 2024

/s/ *Kimba M. Wood*
KIMBA M. WOOD
United States District Judge

² On February 23, 2024 Plaintiff filed an affidavit in Opposition to Defendants' Motion to Dismiss the Amended Complaint. (ECF No. 29.) It is not clear that this affidavit is in support of the Proposed Certificate of Default, and even if it were, Plaintiff stated that he served Defendant at the incorrect address of 235 Adams Street Suite 2300, Brooklyn, NY 11201. (*Id.* at 1-2.)

³ The record shows that Plaintiff attempted to serve Ms. Whinnery and included Ms. Whinnery in the caption of the amended complaint. (ECF No. 8; ECF No. 21.) In addition, Defendants' counsel has acknowledged that many of the assertions made in the Amended Complaint would also apply to Ms. Whinnery, and Defendants' counsel has requested that the Court extend the requested relief to Ms. Whinnery. (*see* Def. Ltr at 1, n.1., n.2.)